
By: **Delegates Redmer, Klausmeier, Mohorovic, Morhaim, Sher, Stern, and Weir**

Introduced and read first time: February 1, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Water Pollution - Criminal Penalties - Statute of Limitations**

3 FOR the purpose of altering the statute of limitations for a violation of certain water
4 pollution provisions of law; and providing for the application of this Act.

5 BY repealing and reenacting, without amendments,
6 Article - Environment
7 Section 9-343
8 Annotated Code of Maryland
9 (1996 Replacement Volume and 2000 Supplement)

10 BY adding to
11 Article - Environment
12 Section 9-343.1
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2000 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Environment**

18 9-343.

19 (a) (1) A person who violates any provision of or fails to perform any duty
20 imposed by this subtitle, or who violates any provision of or fails to perform any duty
21 imposed by a rule, regulation, order, or permit adopted or issued under this subtitle,
22 is guilty of a misdemeanor and on conviction is subject to:

23 (i) For a first offense, a fine not exceeding \$25,000 or
24 imprisonment not exceeding 1 year or both; or

1 (ii) If the conviction is for a violation committed after a first
2 conviction of the person under this subsection, a fine not exceeding \$50,000 for each
3 day of violation or imprisonment not exceeding 2 years or both.

4 (2) In addition to any criminal penalties imposed on a person convicted
5 under this subsection, the person may be enjoined from continuing the violation.

6 (3) Each day on which a violation occurs is a separate violation under
7 this subsection.

8 (b) A person is guilty of a misdemeanor and on conviction is subject to a fine
9 not exceeding \$10,000 or imprisonment not exceeding 6 months or both if the person:

10 (1) Knowingly makes any false statement, representation, or
11 certification in any application, record, report, plan, or other document filed or
12 required to be maintained under this subtitle or any rule, regulation, order, or permit
13 adopted or issued under this subtitle; or

14 (2) Falsifies, tampers with, or knowingly renders inaccurate any
15 monitoring device or method required to be maintained under this subtitle or any
16 rule, regulation, order, or permit adopted or issued under this subtitle.

17 9-343.1.

18 PROSECUTION OF OR SUIT FOR A FINE OR PENALTY FOR VIOLATION OF ANY
19 PROVISION OF THIS SUBTITLE, FOR FAILURE TO PERFORM ANY DUTY IMPOSED BY
20 THIS SUBTITLE, OR FOR FAILURE TO PERFORM ANY DUTY IMPOSED BY A RULE,
21 REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER THIS SUBTITLE,
22 SHALL BE INSTITUTED WITHIN 2 YEARS AFTER THE OFFENSE WAS COMMITTED.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
24 construed only prospectively and may not be applied or interpreted to have any effect
25 on or application to any water pollution violation committed before the effective date
26 of this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2001.